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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
NGUYEN, DUNG X	
ART UNIT	**PAPER NUMBER**
2631	11

DATE MAILED: 12/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/404,704	HOKAO, TOMOAKI	
	Examiner	Art Unit	
	Dung X Nguyen	2631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2 - 35, 37 - 64* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *2 - 35, 37 - 54, 59 - 61, and 64* is/are allowed.

6)☒ Claim(s) *55 - 58* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Response to Arguments

1. Applicant's arguments filed on 8 September 2003 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. **Claim 44 is objected** to because of the following informalities: line 5, after "whether", "thee" has no meaning. It should be changed to –three--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

4. **Claim 55 and 56 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Keskitalo et al. (US patent # 6,091,788).

Regarding claim 55, Keskitalo et al. discloses (figure 6a):

- Receivers 600, 602, 604 (column 10, lines 22 – 35) for providing means of detecting and searching useful signal components and giving their parameters (column 10, lines 42 – 43);
- Controller 612 for controlling receivers 600, 602, 604 based on the detected result (column 10, lines 44 – 51).

Keskitalo et al. differs from the instant claimed invention that it does not expressly show the step of detecting whether there is a speech signal or not based on the decoded data. However, one can see that the system of Keskitalo et al. depends on the data (column 3, lines 46 – 52 and column 10, lines 36 – 40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement Keskitalo et al. to provide the step of detecting whether there is a speech signal or not based on the decoded data for detailing the useful data.

Regarding claim 56, Keskitalo et al. further discloses that all receiver 600, 602, 604 being still operating if useful components being detected or not (column 10, lines 40 – 43).

5. **Claim 57 and 58 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Keskitalo et al. (US patent # 6,091,788), further in view of Antonio et al. (US patent # 5,621,752).

Regarding claims 57 and 58, respectively, Keskitalo et al. differs from the instant claimed invention that it does not show the step of operating, at all times, one of the plurality of receivers which has a highest correlated value. However, Antonio et al. discloses (figure 5A) the step of operating, at all times, one of the plurality of receivers 232a – 232j which has the highest correlated value (column 7, lines 5 – 34). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Keskitalo et al. and Antonio et al. to provide the step of operating, at all times, one of the plurality of receivers which has a highest correlated value for improved method of adaptive sectorization within a spread spectrum communication system (column 1, lines 6 – 10 of Antonio et al.).

Allowable Subject Matter

6. **Claim 62 and 63 are objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. **Claims 2 – 35, 37 – 54, 59 – 61, and 64 are allowed.** The following is a statement of reasons for the indication of allowable subject matter:

Regarding to the claimed invention, the prior art of record fails to show or render obvious of a receiving circuit, which substantially is capable of reducing a consumed current when received data contains no speech signal comprising an antenna and a radio unit for receiving a signal via a radio link, a plurality of finger receivers for inversely diffusing the signal received by antenna and the radio unit in association with respective multiple paths, a synthesizer for synthesizing signals inversely diffused by the finger receivers, and means for controlling the number of finger receivers, based on whether a speech signal or data containing in the signal received by antenna and radio unit. If the speech signal is detected then the controller controls all the receivers to operate, if no speech signal is detected, then the controller controls only one or two of the finger receivers to operate.

Honda (US patent # 5,970,084) lacks of the steps of controlling the number of finger receivers, based on whether a speech signal or data containing in the signal received by antenna and radio unit.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakagoshi (US patent # 5,559,838) discloses a diversity receiving apparatus.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung X. Nguyen whose telephone number is (703) 305-4892. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Ghayour Mohammad H. can be reached on (703) 306-3034. The fax number for this group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

DXN

September 25, 2003

M. Gh-

MOHAMMAD H. GHAYOUR
PRIMARY EXAMINER